

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALENA R. SUTTON,

Plaintiff,

Case No. 10-14079

v.

HON. AVERN COHN

CENTRAL TOWERS APARTMENTS,
and the UNITED STATES DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 21)
AND
GRANTING DEFENDANT'S MOTION TO DISMISS (Doc. 16)

I.

This is a civil case. Plaintiff Salena R. Sutton, proceeding pro se, claims that defendants, Central Towers Apartment and the Department of Housing and Urban Development (HUD) violated state and federal law when they allegedly evicted plaintiff from her home on July 29, 2010. The matter was referred to a magistrate judge for all pretrial proceedings. HUD filed a motion to dismiss. On December 14, 2011, the magistrate judge issued a report and recommendation (MJRR) recommending that the motion to dismiss be granted on the grounds that (1) HUD is entitled to sovereign immunity and (2) plaintiff has failed to state a claim against HUD upon which relief may be granted.¹

¹HUD also moved to dismiss for failure to exhaust administrative remedies. The magistrate judge does not recommend dismissal on this ground, noting that the law indicates the exhaustion requirement is not jurisdictional. See MJRR at p. 7.

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. HUD's motion to dismiss is GRANTED. HUD is DISMISSED from this case.

SO ORDERED.

Dated: January 12, 2012

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Salena R Sutton, 40 Hague, Highland Park, MI 48209 and the attorneys of record on this date, January 12, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160